

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JUSTIN ALLEN DAVEY,

Plaintiff,

v.

PIERCE COUNTY COUNCIL et al.,

Defendants.

Case No. 3:21-cv-05068-LK-SKV

ORDER ADOPTING REPORT AND  
RECOMMENDATION

Having reviewed the Report and Recommendation of the Honorable S. Kate Vaughan, United States Magistrate Judge, to which no objections were filed, and the remaining record, the Court finds and ORDERS as follows:

(1) The Court ADOPTS the Report and Recommendation, Dkt. No. 66.

(2) Plaintiff's motion for leave to file a second amended complaint, Dkt. No. 53, is GRANTED IN PART and DENIED IN PART. Specifically, the motion is denied with respect to Plaintiff's individual capacity federal constitutional claims against Defendants Patti Jackson and Ed Troyer, and the motion is granted with respect to all other claims.

(3) Defendants' motion to dismiss, Dkt. Nos. 33, 47, is GRANTED IN PART and DENIED IN PART. Specifically, the motion is granted with respect to Plaintiff's individual capacity federal constitutional claims against Defendants Patti Jackson and Ed Troyer, and the

1 motion is denied with respect to all other claims. These claims are dismissed without prejudice,  
2 meaning that Plaintiff is not barred from bringing these claims again if he amends his complaint  
3 to cure the defects in his prior individual capacity federal constitutional claims against Defendants  
4 Jackson and Troyer.

5 (4) Defendants' motion to change venue, Dkt. No. 33, is DENIED.

6 (5) The Clerk is directed to send copies of this Order to the parties and to Judge  
7 Vaughan.

8 Dated this 15th day of July, 2022.

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LAUREN KING  
United States District Judge

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